

FINANCIAL ANALYSIS DIVISION STAFF REPORT TO THE COMMISSION
April 6, 2004

SUBJECT: Amendment to the 83 Ill. Adm. Code 210, Fiscal Year for Annual Reports

Capsule Summary:

Staff recommends that the Commission enter an order to initiate a proceeding to modify 83 Ill. Adm. Code 210, Fiscal Year for Annual Reports (Part 210). Staff has modified Part 210 to reflect its proposed revisions, as discussed herein, and has identified it as Attachment A.

This Staff Report summarizes the changes proposed by Staff to Part 210.

Background:

Annually, the Chief Clerk's office of the Commission mails hard copies of annual report forms to all public utilities and telecommunications carriers required to file an annual report. Staff has received many informal communications from companies of a desire for the annual report in an electronic format. In addition, Staff recognized that providing an electronic report to utilities would be desirable for other reasons, including relieving the Chief Clerk's office of annually preparing and mailing over a thousand hard copies of annual report forms to utilities and realizing significant savings on mailing costs. Providing electronic forms instead of paper forms requires a change to Part 210.

The amendments to Part 210 proposed by Staff were distributed via letter dated February 20, 2004, from Dianna Hathhorn and Theresa Ebrey to all public utilities and all local exchange telecommunications carriers certified by the ICC to operate in Illinois. The enclosure letter requested the recipients to provide comments to Staff by March 22, 2004. In its response, SBC/Ameritech Illinois requested clarifying language regarding its requirement to file Federal Communications Commission Form M with its Illinois Form 23. However, Staff believes SBC's concerns can be addressed in the actual instructions to Form 23. Therefore, no change to the proposed Part 210 is necessary. No other carriers provided feedback on Staff's proposed rule changes.

Proposed Revisions:

Provide that the annual report form can electronically be made available on the Commission's web site; and

Provide that a public utility or telecommunications carrier must contact the Chief Clerk's office if it wants to receive a hard copy of the annual report form.

Recommendation:

Staff recommends that the Commission enter an order to initiate a rulemaking proceeding to amend 83 Ill. Adm. Code 210 pursuant to 220 ILCS 5/5-102, and 220 ILCS 5/10-101. Staff provides to the Commission, for its review, a modified Part 210, that reflects Staff's proposed revisions. This document is included as the Attachment to this Report.

Staff recommends that the Attachment serve as the Appendix to an order that will both initiate the rulemaking proceeding and authorize the submission of the first notice of proposed amendments to the Illinois Secretary of State.

Prepared by,

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Dianna Hathhorn	Date
Staff Accountant	

Reviewed by,

<u>Mary Selvaggio</u>	<u>4-6-04</u>
Mary Selvaggio	Date
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Approved by,

<u>Joy Nicdao-Cuyugan</u>	<u>4-6-04</u>
Joy Nicdao-Cuyugan	Date
Director of the Financial Analysis Division	

Attachment: Proposed Changes to 83 Ill. Adm. Code 210

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN
ONE KIND OF UTILITY

PART 210
~~FISCAL YEAR FOR ANNUAL REPORTS~~
(~~GENERAL ORDER 35~~)

Section	
210.10	Fiscal Year for Annual Reports
<u>210.20</u>	<u>Annual Report Forms</u>
<u>210.30</u>	<u>Filing Instructions</u>

AUTHORITY: Implementing Section 5-109 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-109 and 10-101] ~~Section 19 and authorized by Section 8 of "An Act concerning public utilities (Ill. Rev. Stat. 1983, ch. 111 2/3, pars. 19 and 8).~~

SOURCE: Adopted January 4, 1917; codified at 8 Ill. Reg. 7599; amended at 8 Ill. Reg. 19357, effective October 1, 1984; amended at ___ Ill. Reg. _____, effective _____

Section 210.10 Fiscal Year for Annual Reports

All public utilities, as that term is defined in Section 3-105 of the Public Utilities Act (Act) [220 ILCS 5/3-105] ~~10.3 of "An Act concerning public utilities," (Ill. Rev. Stat. 1983, ch. 111 2/3, par. 1 et seq.), and all telecommunications carriers, as that term is defined in Section 13-202 of the Act [220 ILCS 5/13-202]~~ shall report on a calendar year basis, ending on December 31 of each year, for purposes of the annual reports required by Section 5-109 of the Act [220 ILCS 5/5-109], in Section 19 of "An Act concerning public utilities."

(Source: Amended at ___ Ill. Reg. _____, effective _____)

Section 210.20 Annual Report Forms

- a) The Illinois Commerce Commission (Commission) shall notify each public utility or telecommunications carrier by United States mail in December of each calendar year that an annual report shall be submitted to the Commission with instructions on how to obtain the form. Such form can be provided electronically to public utilities or telecommunication carriers.
- b) Any public utility or telecommunications carrier that requires a printed copy of the annual report form to be filed by that entity shall request the printed copy by contacting the Chief Clerk of the Commission in accordance with instructions provided by the Commission in the annual mailing required by subsection (a).

(Source: Added at Ill. Reg. _____, effective _____)

Section 210.30 Filing Instructions

- a) Pursuant to Section 5-109 of the Act, a completed annual report form *shall be filed with the Commission at its Springfield office within three months after the end of the year for which the report is made.* [220 ILCS 5/5-109]
- b) The annual report form shall be filed in accordance with the instructions on the form.

(Source: Added at ___ Ill. Reg. _____, effective _____)